

Reference is made to the following documents:

D1: IETF Network Working Group, RFC 2543, pages 1 to 153, "SIP:
Session Initiation Protocol", March 1999

D2: US 6 189 035 B1

A. Documents and remarks relating to section V:

1. The invention relates to a **method** for selecting user data transmitted by at least one called subscriber to a calling subscriber via at least one telecommunication network during the initiation of a call according to the features of the **independent claim 1**, and to a corresponding **apparatus** for carrying out the method according to the features of **claim 17**.
2. Document **D1** describes the Session Initiation Protocol (SIP) in which an "INVITE request" is sent to the called subscriber via (at least) one proxy of a telecommunication network during initiation of a call. In the "forking" also mentioned in document **D1** the "INVITE request" is sent to a plurality of terminals of the called subscriber, so that a plurality of terminals send a provisional response – and, to end the initiation of the communication, a final response - to the calling subscriber. The user data exchanged between the provisional response and a final response is referred to as "early media".

Document **D2** describes a method for transmitting packet data from an external source via an external network (e.g. Internet) and an internal network (e.g. mobile radiocommunication network) to a subscriber terminal, the data stream between the two networks being monitored by a device (data packet gate) to check whether corresponding packets

have a transmission address and a reception address included on a list of selected senders. If the transmission address of a packet is included on the list, the packet is redirected to the subscriber terminal, otherwise it is rejected.

3. A major **disadvantage** of the above-indicated SIP-based method is that - in the case of forking - the calling subscriber receives user data (early media) from a plurality of terminals of the called subscriber during call initiation, not all of which it can process and represent simultaneously.
4. It is therefore the **object** of the present invention to specify a method for selecting the transmitted user data from which the above disadvantages are eliminated.
5. To **achieve** this object there is provided **according to the invention** a selection **method** according to the features of **claim 1**, and a corresponding apparatus for carrying out the method according to **claim 17**.

The **invention** comprises **essentially** a method and a corresponding apparatus for selecting user data (early media data) transmitted during initiation of a call by at least one called subscriber to a calling subscriber, called subscriber transmission address data being derived from a response message of a called subscriber received by the calling subscriber and containing called subscriber **transmission address data** in addition to called subscriber reception address data, and the called subscriber **transmission address data** being used by the calling subscriber **for selecting** user data received by the calling subscriber from a called subscriber.

6. The invention offers the **advantage** that simple and efficient selection of the user data by the calling subscriber is made possible on the basis of the subscriber transmission address data added to the response message.
7. The subject matter of the present invention is also neither disclosed nor suggested by the further documents mentioned in the International Search Report, since these documents describe what is - in relation to the present invention - only a very general state of the art in the technical field of (radio)communication systems and corresponding techniques for initiating a call/session.
8. The subject matter of **claims 1 and 17** is therefore regarded as novel and inventive, Article 33 (2) and (3) PCT.
9. **Claims 2 to 16, 18 and 19** are dependent on claims 1 and 17 and therefore **likewise** fulfill the requirements of Article 33 (2) and (3) PCT with regard to **novelty and inventive step**.
10. The present invention is also clearly **susceptible of industrial application**, Article 33 (4) PCT.

B. **Further remarks on the present application:**

Upon entering PCT phase II (examination phase) or a national/regional phase, account should be taken of the following requirements:

1. The present **claim 17** is regarded as an **independent** claim.

A claim can indeed refer to other claims without thereby being a dependent claim. In particular, a claim which refers to a claim or claims

of a different category (as in the present case, in which the apparatus-claim 17 refers to preceding method-claims) is by definition an independent claim (see PCT Guidelines, 5.19 in this regard).

In its present wording claim 17 is not clear, as it does **not** contain all the essential technical features of the invention, i.e. of the apparatus (with a statement of the necessary means) (Article 6 PCT in combination with Rule 6 (3) (b) PCT).

The reference in the claim to the method claimed can be understood only to mean that the apparatus is suitable for carrying out the method, without defining all the features necessary for this or their interaction (see PCT Directives, 5.23).

According to Article 6 PCT in combination with Rule 6 (3) (b) PCT, each independent claim must contain the essential technical features of the invention necessary for defining the subject matter of the application for protection, i.e. **each independent claim must be understandable within itself without referring to another claim or other claims for this purpose.**

Corresponding changes to claim 17 would therefore - taking account of **Article 34 (2) b) PCT** - have been necessary.

2. The wording of **claim 8** should have been checked for correctness, Article 6 PCT.
3. The features of **claim 9** represent a repeated definition of the features already defined in claim 8 in combination with claim 7, claim 6 PCT.

4. The reference in **claim 10** to the "IETF MMUSIC Working Group..." is not clear, Article 6 PCT, because this is not a generally and unambiguously recognized feature (also see PCT Directives, 5.39).
5. The features "SIP terminal A signaling part" and "SIP terminal A connection part" in **claims 8 and 11** are not clear, as no "SIP terminal A" has been explicitly disclosed in the preceding claims, Article 6 PCT.
6. The first lines of **claims 12 to 16** should have read: "A method as claimed in any one of the preceding claims...", Article 6 PCT.
7. Most of the terms placed in brackets in the claims (with the exception of "A", "B" and the numbers) are not reference symbols in the sense of Rule 6.2 b) PCT and do not represent a restriction of the scope of protection (see PCT Guidelines, 5.11); the brackets should therefore preferably have been omitted in the case of the terms mentioned.
8. To meet the requirements of Rule 6.3 b) PCT, each independent claim should have been **correctly** differentiated from the most relevant prior art (i.e. document **D1**) clearly in the **two-part form**.
9. To meet the requirements of Rule 5.1 a) ii) PCT, document **D2**, which represents relevant prior art with respect to the present application, should have been mentioned in the introduction to the description; the relevant state of the art contained therein should have been briefly summarized.

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Remarks

A SPECIFICATION

Page 14, line 27 of German text:

It has been assumed that 'teilt' is in error for 'und'.

Page 15, line 9 of German text:

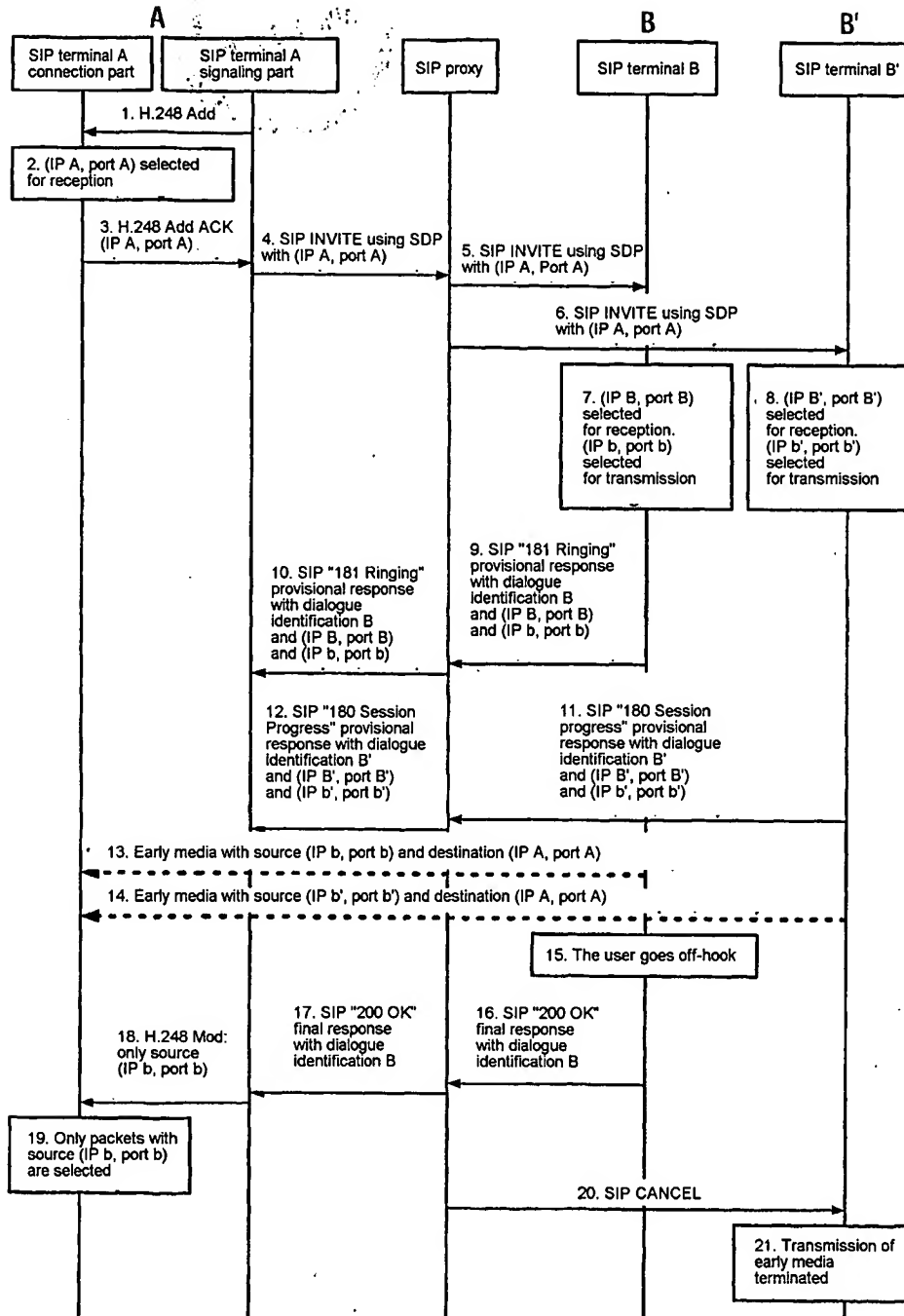
'H.2a8' - should this read 'H.248'? Not altered in the translation.

B WRITTEN OPINION

Page 4, point 3, 2nd line of German text:

Should 'Anspruch 6 PCT' read 'Artikel 6 PCT'? Not altered in the translation.

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